



Atty Docket D-2958RE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application
of
Inventor(s):
Dennis E. Parham

Merchandising Display Track
Device Of Multiple-Piece
Construction

U.S. Patent No: 6,325,221

Serial No.: 10/705,666

Confirmation No.: 5356

Filed: November 10, 2003

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL DECLARATION

I hereby declare that:

Applicant believes the original patent to be partially inoperative or invalid by reason of the patentee claiming less than patentee had a right to claim in the patent.

An error in the original patent, US Patent No. 6,325,221, was claiming less than entitled to claim in original claim 1. Claim 1 claims a track device having several elements including first and second elongate track members formed separately as two discrete structures with the first and second members connected together in an end-to-end, longitudinally adjacent relationship. Each of

the first and second members comprises a track base for carrying articles for sliding movement along each member and at least one article-guiding side wall upstanding from the track base of each member and extending along the member. One side wall of the first member is disposed in general longitudinal alignment with one side wall of the second member. Locking means, integrally formed with the first member, interconnect the one side wall of the first member and the one side wall of the second member to lock the members in position relative to each other. Claim 1 is directed to a track device having track members with longitudinal connections and fails to cover a front panel assembly. By failing to claim a front panel assembly, claim 1 claims less than patentee had a right to claim.

Another error in the original patent, US Patent No. 6,325,221, was claiming less than entitled to claim in original claim 2-13. Claims 2-13 claim a track device having several elements including an elongate body having a forward end with the body comprising a track base for carrying a row of articles for sliding movement along the body, a tongue extending forwardly from the track base and defining the forward end of the body, and at least one article-guiding side wall upstanding from the track base and extending along the body. There is a front piece formed as a discrete structure separate from the body and attached to the forward end of the body to provide a stopper for preventing a leading article in the row from exiting the track device. Claims 2-13 are directed to a track device having an elongate body having a forward end with the body comprising a track base. A front piece is formed as a discrete structure separate from the body and

attached to the forward end of the body. By failing to claim a front panel assembly without a track base, claims 2-13 claim less than patentee had a right to claim.

Yet another error in the original patent, US Patent No. 6,325,221, was claiming less than entitled to claim in original claims 14-15. Claims 14-15 claim a track device having several elements including first and second elongate track members formed separately as two discrete structures connected together in an end-to-end longitudinally adjacent relationship. Each of the members comprises a track base for carrying articles for sliding movement along the member, and at least one article-guiding side wall upstanding from the track base of the member and extending along the member. The second member comprises a tongue extending longitudinally from the track base of the second member defining an end of the second member. The first member has an end-opening socket for receiving the tongue so that the track bases of the first and second members can interconnect. Locking means, integrally formed with the first member, interconnect the one side wall of the first member and the one side wall of the second member to lock the members in position relative to each other. Claims 14-15 are directed to a track device having track members with longitudinal connections and fails to cover a front panel assembly. By failing to claim a front panel assembly, claims 14-15 claim less than patentee had a right to claim.

Still another error in the original patent, US Patent No. 6,325,221, was claiming less than entitled to claim in original claim 16-17. Claims 16-17 claim a track device having several elements including an elongate body

having a forward end with the body comprising a track base for carrying a row of articles for sliding movement along the body, a tongue extending forwardly from the track base and defining the forward end of the body, and at least one article-guiding side wall upstanding from the track base and extending along the body. There is a front piece formed as a discrete structure separate from the body and attached to the forward end of the body to provide a stopper for preventing a leading article in the row from exiting the track device. Claims 16-17 are directed to a track device having an elongate body having a forward end with the body comprising a track base. A front piece is formed as a discrete structure separate from the body and attached to the forward end of the body. By failing to claim a front panel assembly without a track base, claims 16-17 claim less than patentee had a right to claim.

Claims 31-35 correct the errors by claiming the front piece alone; that is, without also claiming all the structure of the track device to which the front panel assembly attaches.

Claims 31-32 are directed to a front panel assembly for a merchandising display track device, wherein the track device is adapted to receive a row of articles for sliding movement therealong. The front panel assembly, comprises: a base; a first upstanding vertical member permanently connected along its bottom end portion to the base; a first face member connected to the first vertical member; a second upstanding vertical member laterally spaced from the first vertical member and permanently connected along its bottom end portion to the base; a second face member connected to the second vertical member and extending

laterally a preselected distance from the second vertical member toward the first vertical member; an elongate connecting member connected to the vertical members and curving outwardly away from the vertical members; and means for detachably attaching the front panel assembly to the track device. Claims 31-32 thus corrects the errors of failing to claim a front panel assembly, and failing to claim a front panel assembly without also claiming a track base.

Claim 33 is directed to a front panel assembly for a merchandising display track device, wherein the track device has a track base adapted to receive a row of articles for sliding movement therealong and a vertical member extending along the track base. The front panel assembly, comprises: a floor deck; means for detachably attaching the floor deck to the track base; a first vertical member connected to the floor deck; a second vertical member laterally spaced from the first vertical member and connected to the floor deck; an elongate connecting member connected to the vertical members and curving outwardly away from the vertical members; and locking means integrally formed with one of the first and second vertical members for interconnecting the vertical member of the track device and the one vertical member to lock the vertical members in position relative to each other. Claim 33 thus corrects the errors of failing to claim a front panel assembly, and failing to claim a front panel assembly without also claiming a track base.

Claims 34-35 are directed to a front panel assembly for a merchandising display track device, wherein the track device is adapted to receive a row of articles for sliding

movement therealong. The front panel assembly, comprises: a base; first, second and third vertical members connected to the base and laterally spaced from one another; first, second and third face members each connected to a respective vertical member third vertical member toward the second vertical member; a first elongate connecting member connected to the first and second vertical members and curving outward away from the first and second vertical members; a second elongate connecting member connected to the second and third vertical members and curving outward away from the second and third vertical members; and means for detachably attaching the front panel assembly to the track device. Claims 34-35 thus correct the errors of failing to claim a front panel assembly, and failing to claim a front panel assembly without also claiming a track base.

All errors in the present reissue application up to the time of signing of this declaration, or errors which are being corrected by a paper filed concurrently with this declaration which correction of errors I have reviewed, arose without any deceptive intention on the part of the applicant.

Every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath(s) and/or declaration(s) submitted with this application, arose without any deceptive intention on the part of the applicant.

Applicant for reissue has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the declaration; believe the named inventor, Dennis E. Parham

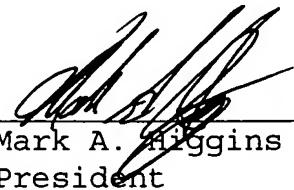
of 2509 Hollins Drive, Kennesaw, Georgia 30152, to be the original and first inventor of the subject matter which is claimed and for which a patent is sought; and acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

Applicant for reissue has filed a Petition For Filing By Assignee which was dismissed for failing to pay the proper fee. A Petition For Reconsideration along with the remainder of the fee was mailed January 8, 2008. Applicant for reissue, the Assignee of the subject patent, is believed to have authority to execute the Supplemental Declaration.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

For the Assignee,

1/28/08
Date



Mark A. Higgins
President
Display Industries, LLC.